

**COURTROOM MINUTE SHEET**

DATE 1-22-18

CIVIL NO. CIV-14-650 -F

Hetronic International, Inc. -vs- Hetronic Germany GmbH, et al.

COMMENCED 12:45 ENDED 1:00 TOTAL TIME 15 min.

PROCEEDINGS Conference call with counsel

JUDGE STEPHEN P. FRIOT DEPUTY LORI GRAY REPORTER \_\_\_\_\_

PLF COUNSEL John Hermes, Gianni Servodidio

DFT COUNSEL Anton Rupert

At the request of counsel, the court holds a conference call with counsel to address an expert report issue. The court is advised that defense counsel just recently received a supplemental report from plaintiff's expert, Bryan Van Uden.

The court advises that, absent extraordinary circumstances not present here, supplementing expert work outside of the confines of the schedule established by the court requires leave of court. The court rules that defendants may take the scheduled deposition of Mr. Van Uden on January 23 and that, at defendants' option, defendants can require Mr. Van Uden to be produced for another deposition within 14 days of today's date. If defendants so require, and Mr. Van Uden is not produced for another deposition within 14 days of today's date, the court will consider a motion by defendants to strike plaintiff's expert, Bryan Van Uden. See, Miller v. Pfizer, Inc., 356 F.2d, 1326 (at 1332 and 1334) (10<sup>th</sup> Cir. 2004); Trost v. Trek Bicycle Corp., 162 F.3d 1004, 1008 (8<sup>th</sup> Cir. 1998); Dixie Steel Erectors, Inc. v. Grove U.S., LLC, 2005 WL 3558663 (W.D. Okla. December 29, 2005) (per Friot, J.).